

DEPARTMENT OF TRANSPORTATION  
BOARD FOR CORRECTION OF MILITARY RECORDS


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Application for Correction  
of Coast Guard Record of:

BCMR Docket  
No. 1999-016

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**FINAL DECISION**

  
This is a proceeding under section 1552 of title 10 and section 425 of title 14, United States Code. It was commenced on October 28, 1998, upon the BCMR's receipt of the applicant's application for correction of his military record.

The final decision, dated September 9, 1999, is signed by the three duly appointed members who were designated to serve as the Board in this case.

**RELIEF REQUESTED**

The applicant, a boatswains mate third class (BM3; pay grade E-4), asked to receive "the reenlistment bonus he was promised when he agreed to reenlist." He alleged that he agreed to reenlist on the condition that he receive a selective reenlistment bonus (SRB) for 36 months of newly obligated service. After he reenlisted, his yeoman told him the Coast Guard had made an error in its calculations, and the applicant would only be entitled to an SRB for 2 months of obligated service.

The applicant originally enlisted in the Coast Guard on September 12, 1994, for four years. On May 20, 1997, he extended his enlistment for 2 years and 10 months to meet his service transfer obligation. His termination date (EOE) after executing this extension was July 11, 2001. On September 12, 1998, he reenlisted for 3 years; his enlistment termination date became September 11, 2001.

In support of his application, the applicant submitted a copy of the page 7 entry attached to the reenlistment papers signed by him and his officer in charge, on September 12, 1998. He alleged that this document "shows that [he] was entitled to a reenlistment bonus" since it declared, in section 8.b., that "MEMBER IS ENTITLED TO A ZONE 'A' SRB." Section 8 stated that he reenlisted for 3 years. The applicant said that he did not receive the promised SRB and was "lied to and taken advantage of for his lack of knowledge about the reenlistment bonus."

The applicant also submitted a page 7 entry dated July 7, 1998 which said that his SRB multiple is listed in ALDIST 046/98; that he is eligible to reenlist up 6 years and his

July 11, 2001. The Chief Counsel said that effecting this change would permit the applicant to remain eligible for a Zone A SRB at the 6-year active duty anniversary (September 12, 2000). The Chief Counsel also recommended, as CGPC had done, that the recoupment of the two months SRB payment to the applicant be waived.

### APPLICANT'S RESPONSE TO COAST GUARD VIEWS

On July 8, 1999, the Board sent the applicant a copy of the recommendation of the Coast Guard together with an invitation to submit a response if he disagrees with the recommendation in whole or in part, provided the response is received by the Board in 15 days.

The Board did not receive a response from the applicant.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submission, the Coast Guard's submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10, United States Code. The application was timely.

2. The applicant and his officer in charge signed an enlistment/reenlistment document on September 12, 1998. The document provided that as of that date, the applicant was reenlisted in the Coast Guard for 3 years.

3. Section 8.b. of the document made the following declaration in all-capital letters: "Member is entitled to a Zone A SRB."

4. Notwithstanding the statement that the applicant was entitled to an SRB, the applicant was not eligible to reenlist on September 12, 1998. The Coast Guard committed an error by reenlisting him on that date for a Zone A SRB. He was ineligible to reenlist then because he had an existing extension agreement that was entered on May 20, 1997 and that became operative on September 12, 1998 with an end of enlistment [EOE] date of July 11, 2001. The date was neither within 3 months of his EOE or his 6-year anniversary date. For the government to pay the applicant an SRB under these circumstances would be contrary to existing law and regulation. The extension agreement can not be canceled because, according to Article 1.G.19 of the Coast Guard Personnel Manual, an extension agreement, once it becomes operative, cannot be canceled either for the convenience of the government or of the service member.

5. The Coast Guard is not estopped from repudiating the erroneous advice that the applicant claims to have received from his command

**ORDER**

The military record of  
corrected as follows:

JSCG, shall be

- (1) Cancel the applicant's reenlistment contract dated September 12, 1998; and
- (2) Correct the applicant's record so that his Expiration of Enlistment will be July 11, 2001, the termination date after he executed an extension of enlistment on May 20, 1997.

